

## Desert Land Act Case Study

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West of Magdalena in Socorro County, New Mexico is a historic site featuring a concrete and masonry water tank, a collapsed windmill and several rock alignments that may represent foundations. The site is marked as Wolf Wells on the topographic maps. As usual, I checked the GLO web site for patent information. I was surprised to find that the land (a 40-acre parcel) had been patented under the Desert Land Act rather than the Homestead Act. Naturally, I was curious as to why.

Well, I found out that the Desert Land Act was passed in 1877. It allowed settlers in some arid regions to acquire up to 640 acres of Public Lands by purchase for \$1.25 an acre--if they irrigated and cultivated the land. This parcel was patented to Bonifacio Landavazo and Remer D. Cox in 1921. But why the Desert Land Act? I got to thinking... The parcel was within the Magdalena Stock Driveway, set aside as a livestock trail in 1918 under the Stock Raising Homestead Act. Coincidence? I don't think so!

My best guess is that when the applicants staked their claim, application had already been made for designation of the Stock Driveway. These two gents had a money making proposition! They would drill a well, gain ownership of the land, and make a bundle selling water to the cattlemen and sheepmen as they passed by! While there is no hard evidence for this theory, the timing and location are hard to overlook. Under the Act, applicants were required to submit proof of their efforts within three years. With a patent date of 1921, it is likely that application was made in 1918—after application had been made for designation of the Driveway, but before it was made final.

One question was still nagging me. Why the Desert Land Act over the Homestead Act? I asked our BLM Homestead Act guru, Bob King. He told me that if you had gotten an earlier patent under the Homestead Act or as a Cash Entry, you couldn't file under the Homestead Act, but you could under the Desert Land Act! It looks like the mystery is solved!

While the success of the venture is unknown, the well does not appear to have been considered when the CCC installed wells in the late 1930s as improvements to the Driveway. These wells were spaced at 10 mile intervals, which was considered one day's journey for cattle, and a two day journey for sheep. The CCC installed Divide Well just over a mile east of Wolf Well.

The 40 acre parcel returned to federal ownership in 1942 under the authority of the Taylor Grazing Act. The TGA provided for the regulation of grazing on public land for the first time, and also provided for consolidation of lands that met criteria for establishing grazing districts.